REMARKS

Claims 1-20 are pending in this application. Claims 1-20 are rejected. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1, 2, 5-10 and 13-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,023,343 (Hoang) in view of U.S. Patent Application Publication No. 2004/0084971 (Shukla). Claims 3, 11, and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoang in view of Shukla, and further in view of U.S. Patent Application Publication No. 2003/0053109 (Lester). Claims 4, 12, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoang in view of Shukla, and further in view of U.S. Patent Application Publication No. 2002/0063880 (Raney). Applicant respectfully traverses these rejections for at least the reasons set forth hereafter.

Claim 1 recites a method for managing outputs to peripheral devices in medical systems devices, wherein the method includes, among other things, "storing the data object in a first memory if the peripheral device is not accessible and not available to accept the data object...."

As admitted on page 3 of the outstanding Final Office Action, Hoang does not describe or suggest storing a data object in a first memory if a peripheral device is not accessible. The Examiner instead relies on Shukla for teaching storing a data object in a first memory if a peripheral device is not accessible, as recited in claim 1. Applicant disagrees that Shukla describes storing a data object in a first memory if a peripheral device is not accessible.

Shukla describes a method and apparatus for handling power supply failures to a peripheral device in a data processing system. The method includes monitoring a power supply to determine whether the electrical power is going from "on" to "off." If the electrical power is going from "on" to "off," the method includes examining a volatile task queue for the peripheral device to find at least one task, and calculating the amount of electrical energy required for the task. If insufficient electrical energy remains available to the peripheral device to complete the

2

task, the method includes storing data describing the task in a non-volatile task queue in a non-volatile memory. The volatile task queue resides within the peripheral device, while the non-volatile memory may reside within the peripheral device or may reside outside the peripheral device.

Applicant asserts that storing data describing a task in a non-volatile memory when insufficient electrical energy remains available to the peripheral device to complete the task, as described by Shukla, is not the same as storing a data object in a first memory if a peripheral device is not accessible, as recited in claim 1. Claim 1 recites an action that is taken upon the occurrence of a condition. Specifically, claim 1 recites taking the action of storing a data object in a first memory upon the occurrence of the condition that the peripheral device is not accessible. Shukla also describes an action that is taken upon the occurrence of a condition. Specifically, Shukla describes taking the action of storing data describing a task in a non-volatile memory upon the occurrence of the condition that insufficient electrical energy remains available to the peripheral device to complete the task. Although the action of Shukla is similar to the action recited in claim 1, the conditions upon which the actions are taken are different. Namely, Shukla describes taking the action when insufficient energy remains while claim 1 recites taking the action when a peripheral device is not accessible. Whether or not insufficient energy remains to complete a task is not the same as being inaccessible because there may be enough energy to perform some tasks on the peripheral device. The ability to perform some tasks necessarily means that the peripheral device is accessible. Accordingly, Applicant submits that storing data describing a task in a non-volatile memory when insufficient electrical energy remains available to the peripheral device to complete the task, as described by Shukla, is not the same as storing a data object in a first memory if a peripheral device is not accessible, as recited in claim 1.

Moreover, Applicant also asserts similar arguments to those made in the Request for Reconsideration filed on April 25, 2007. Specifically, Applicant asserts that the system of Shukla is incapable of storing the data describing the task if the peripheral device is not accessible. Shukla describes examining a volatile task queue that resides within the peripheral

3

device to find at least one task, and calculating the amount of electrical energy required for the task. If insufficient electrical energy remains available to the peripheral device to complete the task, data describing the task is stored in a non-volatile memory. However, Shukla cannot store data describing the task if the peripheral device is not accessible because Shukla cannot find the task to begin with unless the peripheral device is accessible. Notably, Shukla does not describe or suggest that the volatile task queue could reside outside the peripheral device. Accordingly, Shukla does not describe or suggest storing a data object in a first memory if a peripheral device is not accessible.

On page 7 of the outstanding Final Office Action, the Examiner asserts that step element 606 of Figure 6 of Shukla "determines if a peripheral is accessible or not accessible (i.e. if the peripheral is usable) by detecting if it has enough energy to perform a task." However, detecting whether a peripheral device has enough energy to perform a task cannot be the determining factor as to whether the peripheral device is accessible because, as described above, the system of Shukla must access a volatile task queue that resides on the peripheral device to find the task and determine if the peripheral device has enough energy to perform the task.

Because Hoang and Shukla individually fail to describe one or more elements of independent claim 1, a combination of Hoang and Shukla cannot describe such element(s). For at least the reasons set forth above, independent claim 1 is submitted to be patentable over Hoang in view of Shukla.

Neither Lester nor Raney, considered alone or in combination, make up for the deficiencies of the combination of Hoang and Shukla with respect to claim 1.

Claims 2-8 depend from independent claim 1. When the recitations of claims 2-8 are considered in combination with the recitations of claim 1, Applicant submits that dependent claims 2-8 are likewise patentable over the cited references for at least the reasons set forth above with respect to respective claim 1.

4

Independent claim 9 recites an imaging system including, among other things, a processor configured to, among other things, "instruct to store the data object in a first memory if the peripheral device is not in an active state...."

As admitted on page 3 of the outstanding Final Office Action, Hoang "is silent as to performing the storing of the data in a first memory under the condition of...'if the peripheral device is not in an active state'". The Examiner instead relies on Shukla for teaching a processor configured to instruct to store a data object in a first memory if a peripheral device is not in an active state, as recited in claim 9. Applicants disagree that Shukla describes instructing to store a data object in a first memory if a peripheral device is not in an active state.

Applicant asserts that storing data describing a task in a non-volatile memory when insufficient electrical energy remains available to the peripheral device to complete the task, as described by Shukla, is not the same as storing a data object in a first memory if a peripheral device is not in an active state, as recited in claim 9. Claim 9 recites an action that is taken upon the occurrence of a condition. Specifically, claim 9 recites taking the action of storing a data object in a first memory upon the occurrence of the condition that the peripheral device is not in an active state. Shukla also describes an action that is taken upon the occurrence of a condition. Specifically, Shukla describes taking the action of storing data describing a task in a non-volatile memory upon the occurrence of the condition that insufficient electrical energy remains available to the peripheral device to complete the task. Although the action of Shukla is similar to the action recited in claim 9, the conditions upon which the actions are taken are different. Namely, Shukla describes taking the action when insufficient energy remains while claim 9 recites taking the action when a peripheral device is not in an active state. Whether or not insufficient energy remains to complete a task is not the same as being inactive because there may be enough energy to perform some tasks on the peripheral device. Indeed, even though the peripheral device includes a task queue of tasks not yet being performed, the device may be performing a task that is at the top of the queue and the device may calculate if there is enough energy remaining to complete the task being performed. The ability to perform some tasks and/or the performance of

5

some tasks necessarily means that the peripheral device is active. Accordingly, Applicant submits that storing data describing a task in a non-volatile memory when insufficient electrical energy remains available to the peripheral device to complete the task, as described by Shukla, is not the same as storing a data object in a first memory if a peripheral device is not in an active state, as recited in claim 9.

Accordingly, because Hoang and Shukla individually fail to describe one or more elements of independent claim 9, a combination of Hoang and Shukla cannot describe such element(s). For at least the reasons set forth above, independent claim 9 is submitted to be patentable over Hoang in view of Shukla.

Neither Lester nor Raney, considered alone or in combination, make up for the deficiencies of the combination of Hoang and Shukla with respect to claim 9.

Claims 10-16 depend from independent claim 9. When the recitations of claims 10-16 are considered in combination with the recitations of claim 9, Applicant submits that dependent claims 10-16 are likewise patentable over the cited references for at least the reasons set forth above with respect to claim 9.

Independent claim 17 is submitted to be patentable over the cited art for at least the reasons set forth above with respect to independent claim 1.
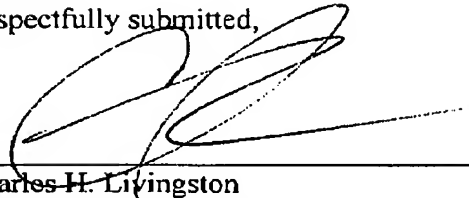
Claims 18-20 depend from independent claim 17. When the recitations of claims 18-20 are considered in combination with the recitations of claim 17, Applicant submits that dependent claims 18-20 are likewise patentable over the cited references for at least the reasons set forth above.

In view of the foregoing amendments and remarks, it is respectfully submitted that the cited references fail to anticipate or render obvious the pending claims. Accordingly, the pending claims are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application

6

in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

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7